

APPLICATION (Revised December 2008)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
SELECTED AS A NOMINEE.

NAME: JOHN N. BORBONUS



1. State your present principal occupation: **Attorney.**
2. Are you at least 30 years of age? **Yes.**
3.
 - (a) How long have you been a citizen of the United States? **45 years.**
 - (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? **Yes.**
 - (c) How long have you been a qualified voter of Missouri? **19 years.**
4. Are you licensed to practice law in Missouri? **Yes.**

List any other states, courts, or agencies in which you are licensed as an attorney:

**United States Court of Appeals, Eighth Circuit;
United States District Court, Eastern District of Missouri;
United States District Court, Western District of Missouri;
State of Colorado.**

5. State the date you were admitted to the Bar in Missouri? **September 1994.**
Missouri Bar Number: **45354**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

St. Louis University School of Law, St. Louis, Missouri, J.D., 1994
George Mason University, Fairfax, Virginia, B.A., Government and Politics, 1988

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Summer 1982; Wendy's Restaurant, Falls Church, Virginia; Associate (Cook/Floor/Register);

Spring 1983 – Spring 1985; Conran's Furniture Store, Fairfax, Virginia; Warehouse/Sales;

Summer 1984; Unknown Pool Company; Fairfax, Virginia; Pool Manager;

Spring 1985 – August 1986; Marriott Corporation; Dulles, Virginia; Bellman/Room Service;

Summer 1985; Unknown Pool Company; Fairfax, Virginia; Pool Manager;

January 1986 – August 1986; Unknown Bank; Fairfax, Virginia; Teller;

Summer 1986; Unknown Pool Company; Fairfax, Virginia; Pool Manager;

August 1986 – October 1990; Devon Seafood Grill, Fairfax, Virginia; Server;

June 1988 - April 1990; Marriott Corporation, Fairfax, Virginia; Human Resources Manager;

April 1990 - October 1990; Quick Messenger Service, Washington, DC; Bicycle Courier;

December 1990 - May 1991; Equipe' Boulogne-St. Martin, Boulogne, France, Basketball Player;

May 1991 - August 1990; Quick Messenger Service, Washington, DC; Bicycle Courier;

June 1993 – August 1994; Gray & Ritter, P.C., 701 Market Street, St. Louis, Missouri 63101; Law Clerk;

August 1994 – February 1997; State of Missouri, Jefferson City, Missouri; Assistant Attorney General;

February 1997 – October 1998; King, Koster, King, Hellmich & Hentz, LLC., 2000 S. Hanley Road, St. Louis, Missouri 63144; Associate;

October 1998 – June 1999; Greensfelder, Hemker & Gale, P.C.; St. Louis, Missouri; Associate;
June 1999 – Present; King, Krehbiel, Hellmich Hacking & Borbonus, LLC., 2000 S. Hanley
Road, St. Louis, Missouri, 63144; Principal;

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. **N/A.**
- (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome. **N/A.**
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes.**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attached.**
11. Have you briefed or argued any case in an appellate court? **Yes.**
- If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. **See attached.**
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

Prior to the trials in which I have participated the last five years (as set forth in the attached list), I have first-chaired numerous federal and state jury and bench trials

in the U.S. District Court for the Western District of Missouri, as well as the Circuit Courts of St. Louis County, the City of St. Louis, Jefferson County, Franklin County, and St. Charles County.

Further, throughout my almost sixteen years of practice, the bulk of my experience has involved litigating a wide variety of issues, both equitable and legal, including insurance defense, real estate, commercial, municipal, and employment litigation. And, although generally not a major part of my practice, I have handled several domestic and criminal matters.

13. Have you ever been convicted of a misdemeanor or felony? No.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction: N/A.

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? Yes.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated. *First Bank v. Foxfire Forest-Fox Mountain, Inc., et al.*, St. Louis County Circuit Court, Cause Number 10SL-CC00051, Filed January 6, 2010, Pending.

In August 2008, I authored an opinion letter on behalf of my client, a subdivision's homeowners' association, in connection with it obtaining financing from First Bank to perform significant road repairs in the subdivision. Subsequently, among other things, the enforceability of First Bank's loan was put at issue in litigation before the Honorable Sandra Farragut-Hemphill. In an interlocutory judgment, Judge Hemphill held First Bank's loan unenforceable as to the subdivision, and its homeowners' association. This underlying litigation before Judge Hemphill remains pending, and appears ripe for reversal on appeal. However, due to Judge Hemphill's interlocutory judgment, First Bank filed a separate suit, alleging negligent misrepresentation by my law firm and me due to First Bank's reliance upon my opinion letter in reaching its decision to approve the loan to the subdivision. Both my firm and I deny any liability, and are vigorously defending the suit. Further, it is our firm belief that Judge Hemphill's order was erroneous and thus will be overturned on appeal, and the litigation against my law firm and me will be dismissed as moot.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No.

If yes, provide details: N/A.

16. Have you ever been held in contempt of court? **No.**

If yes, provide details: **N/A.**

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

(a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: **N/A.**

(b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **N/A.**

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist: **N/A.**

(c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: **N/A.**

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No.**

If yes, provide details: **N/A.**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Bar Association of Metropolitan St. Louis

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

**Board Member, Missouri Humanities Council, 2003 – 2010;
Commissioner, Planning & Zoning Commission, Des Peres, Missouri, 2005 – present;
Class Member, FOCUS - Leadership St. Louis, Class of 2008-2009;
Board Member, Catch A Falling Star (Missouri Not-for-Profit), 2009 – 2010.**

21. Do you now hold or have you ever held any elective or appointive public office or position?
Yes.

If yes, provide details:

**Board Member, Missouri Humanities Council, Gubernatorial Appointment, 2003;
Board Member, Missouri Humanities Council, Elected, 2006 – 2010;
Commissioner, Planning & Zoning Commission, Des Peres, Missouri, 2005 – present,
Mayoral Appointment, 2005; Mayoral Appointment, 2009.**

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: **N/A.**
23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received: **N/A.**
24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

**Robert J. Krehbiel, Esq.
2000 S. Hanley Road
St. Louis, Missouri 63144
(314) 646-1110**

**Peter Dunne, Esq.
100 S. Fourth Street, Suite 400
St. Louis, Missouri 63102
(314) 421-5545**

**Amany Ragab Hacking, Assistant Professor
St. Louis University School of Law
3700 Lindell Boulevard
St. Louis, Missouri 63108
(314) 977-2778**

**Jeffrey M. Berger, General Counsel
McBride & Son Homes
#1 McBride & Son Center Drive
Chesterfield, MO 63005
(314) 336-0215**

**John P. King, Esq.
7701 Forsythe Blvd., 4th Floor
St. Louis, Missouri 63105
(314) 613-2809**

25. State any additional data you deem relevant:

My father was a career non-commissioned U.S. Army officer and my mother was a first-generation German immigrant. From my father I learned the importance of

sacrifice, hard work, and public service; from my mother, who was never afforded the chance at a college education, I learned the importance and value of higher education, along with the importance of common sense and an even temper. As a result, I am the first and only person in my family to have graduated from college (and of course, law school), having paid my own way through college without student loans, often working two jobs to afford the tuition and living expenses. If I would be so privileged to be appointed judge to the Circuit Court of St. Louis County, I would bring the same level of hard work, respect for public service, dedication, common sense, and even temperament that I learned from my parents and from my life experiences.

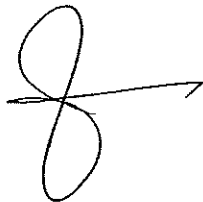
I have been married to a wonderful woman for eleven years, Teresa A. Bruno. We have three daughters, Isabella, Eva, and Gia.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-First Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Circuit Judge of the Circuit Court of St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: June 11, 2010

SIGNED:

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'J' shape with a horizontal line extending to the right.